

## Planning Commission Staff Report

November 13, 2013

Item 5.a.

**SUBJECT:** Vesting Tentative Subdivision Map 8159

**APPLICANT:** Ponderosa Homes

**PROPERTY OWNER:** Thrivent Financial Bank

**PURPOSE:** Application for Vesting Tentative Map approval to subdivide an approximately 1.89-acre parcel located at 4202 Stanley Avenue into 12 single-family residential parcels (approved under PUD-97).

**LOCATION:** 4202 Stanley Boulevard

**GENERAL PLAN:** Medium Density Residential – 2 to 8 dwelling units per gross developable acre, Public Health and Safety with Wildland Overlay

**SPECIFIC PLAN:** Downtown Specific Plan – Medium Density Residential and Open Space

**ZONING:** PUD-MDR/OS-PH&S/WO (Planned Unit Development – Medium Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District

**EXHIBITS:**

- A. [Draft Conditions of Approval](#)
- B. [Vesting Tentative Subdivision Map 8159 with Title Sheet, Existing Conditions Plan, Preliminary Lotting Plan, Preliminary Grading and Utility Plan, Preliminary Stormwater Treatment Plan, and Section and Details Plan dated "Received October 18, 2013"](#)
- C. [Approved PUD Development Plan for PUD-97](#)
- D. [Ordinance No. 2077, with conditions of approval, for PUD-97](#)
- E. [Planning Commission Staff Report for PUD-97, without attachments, dated July 10, 2013](#)
- F. [Planning Commission Meeting Minutes Excerpt, dated July 10, 2013](#)
- G. [City Council Staff Report for PUD-97, without attachments, dated August 20, 2013](#)
- H. [City Council Meeting Minutes Excerpt, dated August 20, 2013](#)
- I. [Parcel Map 10180 dated "Received September 3, 2013"](#)
- J. [Parcel Map 10180 Conditions of Approval](#)
- K. [Location and Noticing Maps](#)

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## **BACKGROUND**

### PUD Rezoning and Development Plan Approval

At its public hearing held on August 20, 2013, the City Council introduced Ordinance No. 2077 for PUD-97, the Planned Unit Development (PUD) rezoning and development plan approval to retain the existing residence, remove the 32 mobile home spaces and related accessory structures, and to construct 12 detached single-family homes located at 4202 Stanley Boulevard. Please refer to Exhibit C for a copy of the approved PUD development plan and Exhibit D for Ordinance No. 2077, with conditions of approval, for PUD-97. Staff has also included the Planning Commission and City Council staff reports and meeting minute excerpts as Exhibits E-H for the Commission's reference.

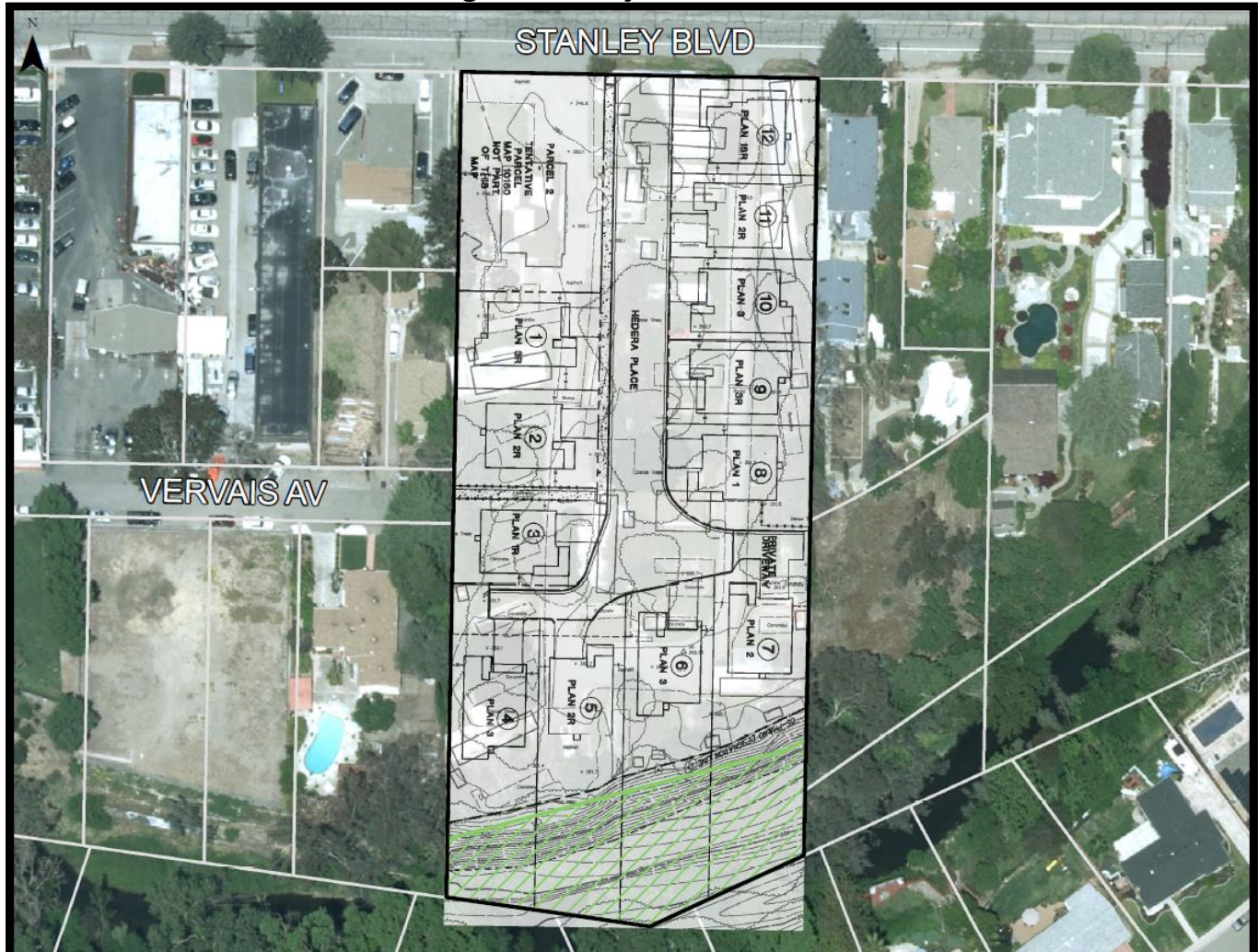
### Minor Subdivision Approval

At a public hearing held on October 24, 2013, the Zoning Administrator approved Ponderosa's Minor Subdivision application to subdivide the approximately 2.1-acre property into two parcels. Parcel 2 of that application, filed under Case No. P13-2077 attached as Exhibit I for reference, created an approximately 0.2-acre lot for the existing home. As approved in the PUD development plan, a portion of the development's bio-retention area was designed on Parcel 2. Since the existing home (Parcel 2) was subdivided from the property/development, a condition was added that required the applicant to record a deed restriction on Parcel 2 that prohibits the owner of Parcel 2 from removing, altering and/or fencing off the bio-retention area located on the east side of Parcel 2. Please refer to condition No. 5 in Exhibit J. Parcel 1 of the applicant's Minor Subdivision application is now before the Planning Commission for consideration and action as Vesting Tentative Map 8159 to subdivide the remaining land into 12 single-family residential parcels.

## **PROJECT DESCRIPTION**

Vesting Tentative Subdivision Map 8159 would subdivide the existing parcel, Parcel 1 of Parcel Map 10180, in compliance with the approved PUD development plan (PUD-97). Please refer to Figure 1 on page 3 of this report for the project location. The proposed subdivision map will create 12 new parcels and a private street (Hedera Place) for the development of 12 new single-family homes. Each lot will have private front, side and rear yard areas with private driveways. In addition to the deed restriction on Parcel 2 for the bio-retention area, Lots 4, 8 and 12 will have bio-retention areas for the development's stormwater treatment. Lot 3 will have a seven foot trail easement for the private pedestrian pathway that will connect the development to Vervais Avenue and Lots 4-7 will have an easement for a potential public trail along the Arroyo del Valle. The applicant will be responsible for paying its pro-rate share or posting a bond for the City's Stanley Boulevard improvements and undergrounding of the utility lines along the project frontage. Staff notes that the applicant would be responsible for the improvements from the farthest eastern point of Lot 12 to the eastern point of the driveway of the adjacent property at 4224 Stanley Boulevard. Staff notes that these frontage improvements are not shown on the Vesting Tentative Subdivision Map (Exhibit B).

**Figure 1: Project Location**



### **CITY COUNCIL ACTION ON PUD-97**

Review of a tentative subdivision map requires review of its consistency with the approved PUD development plan (including review of any issues expressly deferred to the map review) and compliance with State-mandated findings. As described above, the vesting tentative map closely follows the PUD development plan.

### **ANALYSIS**

The design of the proposed vesting tentative map lot pattern, private street, private pedestrian pathway and public trial easement match the approved PUD development plan approved under PUD-97.

### **PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners within a 1,000-foot radius of the site. The location and noticing maps are included as Exhibit K. At the time this report was published, staff had not received any public comments.

## **VESTING TENTATIVE SUBDIVISION MAP FINDINGS**

State law and the Zoning Ordinance of the Pleasanton Municipal Code (PMC) set forth the purposes and the considerations to be addressed in reviewing a Vesting Tentative Subdivision Map. The Planning Commission must make the following findings that Vesting Tentative Subdivision Map 8159 conforms to the purposes of the PMC, before making its action.

**1. The proposed vesting tentative subdivision map conforms to the zoning regulations/development plan.**

The vesting subdivision map and improvements follow the design of the PUD development plan and conditions of Ordinance 2077.

**2. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.**

The homes will comply with the City's residential Green Building Ordinance, which requires that each home achieve a "Green Home" rating on the "Single-Family Green Building Rating System." The homes in the development will incorporate a number of green building measures into the project, providing a minimum of 50-points, and will be constructed to accommodate photovoltaic panels.

**3. The proposed vesting tentative subdivision map, together with its design and improvement, is consistent with the Pleasanton General Plan.**

PUD-97 was found to be consistent with the Pleasanton General Plan and with the Pleasanton Downtown Specific Plan and Vesting Tentative Subdivision Map 8159 is based on the approved development plan (please refer to the Land Use section on page 13 of the attached Planning Commission staff report in Exhibit E). The proposed subdivision and its improvements are compatible with the objectives, policies, land uses, and programs specified in the General Plan and the Specific Plan.

**4. The subdivision site is physically suitable for this type and density of development.**

The property is not in a flood zone or earthquake fault zone. The site is relatively flat with the exception of the rear portion of Lots 4-7, an area of approximately 12,516 total square-feet (0.287-acres), which has a moderate to steep downward slope into the Arroyo del Valle. Project construction would involve minimal site grading and alteration of existing topography and the rear portions of Lots 4-7 will remain untouched until such time that the City constructs a public trail along the Arroyo del Valle.

**5. The design of the subdivision and improvements covered by the proposed vesting tentative subdivision map will not cause substantial environmental damage and avoidably injure fish and/or wildlife or their habitat.**

PUD-97 includes conditions that require best management practices be incorporated before and during construction to minimize impacts and improvements will not be allowed

near the Arroyo del Valle or beyond the Open Space-Public Health and Safety/Wildland Overlay portion of the site.

**6. The design of the proposed subdivision or type of improvements is not likely to cause serious public health problems.**

The proposed subdivision meets all applicable City standards pertaining to public health, safety, and welfare (e.g., adequate public utilities and services, private road design and traffic safety, fire hazards, noise hazards, etc.). All public safety measures are addressed through the design and conditions of approval for PUD-97 and the vesting tentative subdivision map. The private street connection to Stanley Boulevard is satisfactory to the Livermore-Pleasanton Fire Department and Traffic Engineer. The homes will be equipped with automatic residential fire sprinklers and will be required to meet the requirements of the California Building Code, Fire Code, and other applicable City codes and/or requirements. The site is free from toxic or hazardous materials and no earthquake, landslide, flooding, or other natural hazards exist at this site.

**7. The design of the subdivision or its related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

The vesting tentative subdivision map establishes easements for the private street, bio-retention areas on Lots 3, 8, 12 and Parcel 2 of Parcel Map 10180, private pedestrian pathway on Lot 3, and a future public trail along the Arroyo del Valle as required in the PUD development plan conditions of approval.

**8. The restriction on approving a tentative subdivision map on land covered by a land conservation contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act) is not applicable.**

The site is not covered by a land conservation contract.

**9. The discharge of waste from the proposed subdivision would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board (RWQCB).**

No violation currently exists and capacity is available for this subdivision. The project would not discharge any waste other than domestic sewage. Urban stormwater runoff is required to meet the City's RWQCB (Regional Water Quality Control Board) permit requirements for urban development.

## **ENVIRONMENTAL ASSESSMENT**

The subject property was one of the 21 potential housing sites analyzed in the City's certified Supplemental Environmental Impact Report (SEIR). Environmental review for PUD-97 and Vesting Tentative Subdivision Map 8159 are covered by the City's certified Supplemental Environmental Impact Report (SEIR) and adopted CEQA (California Environmental Quality Act) Findings and Statement of Overriding Considerations for the Housing Element update and



Climate Action Plan General Plan Amendment and Rezonings (please refer to the Environmental Assessment section on page 31 of the attached Planning Commission staff report in Exhibit E). For this reason, no separate environmental document accompanies this staff report for this item.

## **CONCLUSION**

The proposed subdivision is well designed and is in keeping with the previously approved PUD development plan and requirements of the PUD approval (PUD-97). Therefore, Vesting Tentative Subdivision Map 8159 warrants approval by the Planning Commission.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 8159 by taking the following actions:

1. Make the finding that the physical environment has not significantly changed since the time that the City certified the Supplemental Environmental Impact Report (SEIR) and adopted the CEQA (California Environmental Quality Act) Findings and Statement of Overriding Considerations for the Housing Element update and Climate Action Plan General Plan Amendment and Rezonings and that no newer information or changed circumstances require additional CEQA review;
2. Make the finding that Vesting Tentative Subdivision Map 8159 is consistent with the Pleasanton General Plan;
3. Make the subdivision map findings as stated in this Planning Commission staff report; and,
4. Approve Vesting Tentative Subdivision Map 8159 subject to the draft conditions of approval stated in Exhibit A.

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